



**MOTOROLA**

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**APR 05 2006**

Motorola, Inc.  
Law Department - MD 1610  
8000 W. Sunrise Blvd.  
Plantation, FL 33322  
Telephone: (954) 723-6449  
Fax: (954) 723-3871

**41** Number of Pages (including this page)

Date: April 5, 2006  
To Examiner: Phan, Huy Q  
Location: United States Patent and Trademark Office  
Fax No.: Centralized Fax Number: 1 (571) 273-8300  
From: Larry G. Brown - Registration No. 45,834  
Attorney's Docket No. CE10823N - Dorenbosch, et al. Confirmation No. 7344

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**MESSAGE:**

In connection with the above-identified Patent Application, please find attached herewith the following documents:

- 1 page Transmittal Form;
- 1 page Fee Transmittal (in duplicate);
- 2 pages Transmittal Letter for Appeal Brief (in duplicate);
- 34 pages Appeal Brief.

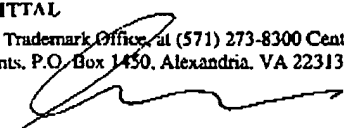
**PLEASE DELIVER THESE PAPERS TO:**

EXAMINER:	Phan, Huy Q
GROUP ART UNIT:	2687
SERIAL NO.:	10/649,756
FILED:	August 26, 2003
INVENTOR:	JHEROEN P. DORENBOSCH, ET AL.

**CERTIFICATE OF FAX TRANSMITTAL**

I hereby certify that this correspondence is being facsimile to the United States Patent and Trademark Office, at (571) 273-8300 Centralized Facsimile, addressed to :Mail Stop: APPEAL BRIEF-PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:

Date: April 5, 2006

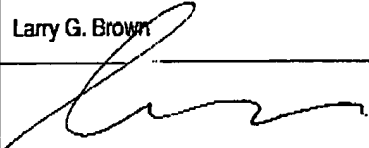
Signature:   
Printed Name: Larry Brown

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after Initial filing)</small>	Application Number	10/649,756	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>APR 05 2006</b>
	Filing Date	August 26, 2003	
	First Named Inventor	Jheroen P. Dorenbosch	
	Group Art Unit	2887	
	Examiner Name	Phan, Huy Q	
Total Number of Pages in this Submission	40	Attorney Docket Number	CE10823N

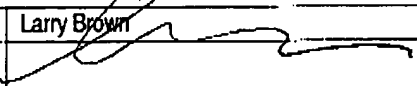
  

ENCLOSURES		(check all that apply)
<input checked="" type="checkbox"/> Fee Transmittal Letter  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/Declaration(s)  <input type="checkbox"/> Extension of time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-Related papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence  Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter with appropriate copies  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Transmittal Letter for Brief on Appeal <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts
Remarks <input type="checkbox"/> X Facsimile Transmittal		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Larry G. Brown	Registration No.	45,834
Signature			
Date	April 5, 2006		

CERTIFICATE OF TRANSMITTAL/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to facsimile number <u>671-273-8300</u> or deposited with the United States Postal Service with sufficient postage thereon, as first-class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date listed below:	
Typed or printed name	Larry Brown
Signature	
Date	April 5, 2006

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APR 05 2006

APPLICANT(S) Jheroen P. Dorenbosch, et al. CONFIRMATION NO.: 7344

APPLN. NO.: 10/649,756

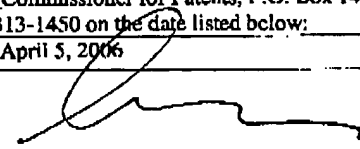
EXAMINER: Phan, Huy Q

FILED: August 26, 2003

GROUP ART UNIT: 2687

DOCKET NO. CE10823N

TITLE: SYSTEM AND METHOD TO IMPROVE WLAN HANDOVER  
BEHAVIOR AT ENTRY/EXIT POINTS

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Date:	April 5, 2006
Signature: Typed or Printed Name:	 Larry Brown

**TRANSMITTAL LETTER FOR BRIEF ON APPEAL**Mail Stop: **APPEAL BRIEF-PATENTS**

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed please find one copy of an Appeal Brief filed on behalf of the applicants in the matter of the above entitled application. This Brief is filed pursuant to 37 CFR § 1.192 and following the Final Rejection dated December 15, 2005 and the Notice of Appeal filed by Applicants on April 5, 2006.

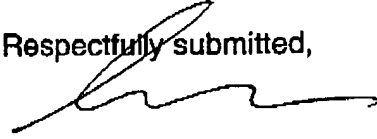
The Commissioner is authorized to charge the \$500.00 requisite fee for filing the enclosed Brief to Motorola, Inc., Deposit Account No. 502117. Any overpayment should be credit to the same Deposit Account.

SEND CORRESPONDENCE TO:

Motorola, Inc.

Customer Number: 24273

Respectfully submitted,




By: Larry G. Brown  
Attorney of Record  
Reg. No. 45,834  
Telephone: (954) 723-4295  
Fax No.: (954) 723-3871

<b>FEE TRANSMITTAL</b> Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>		<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>APR 05 2006</b>	
		Application Number	10/649,756		
		Filing Date	August 26, 2003		
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		Examiner Name	Phan, Huy Q		
Group Art Unit		2687			
TOTAL AMOUNT OF PAYMENT		(\$) <b>500.00</b>		Attorney Docket No.	CE10823N

<b>METHOD OF PAYMENT (check all that apply)</b>					<b>FEE CALCULATION (continued)</b>																																																																																																																																																														
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account:					<b>3. ADDITIONAL FEES</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> </tr> <tr> <th>Code</th> <th>Fee (\$)</th> <th>Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2080</td><td>2255</td><td>1040</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>1370</td><td>2501</td><td>685</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>690</td><td>2503</td><td>330</td><td>Plant issue fee</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(a)</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (limited number of properties)</td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="5">Other fee (specify):</td></tr> </tbody> </table>					Large Entity		Small Entity		Fee Description	Code	Fee (\$)	Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	110	2251	55	Extension for reply within first month	1252	430	2252	215	Extension for reply within second month	1253	980	2253	490	Extension for reply within third month	1254	1530	2254	765	Extension for reply within fourth month	1255	2080	2255	1040	Extension for reply within fifth month	1401	340	2401	170	Notice of Appeal	1402	340	2402	170	Filing a brief in support of an appeal	1403	300	2403	150	Request for oral hearing	1451	1510	1451	1510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1370	2453	685	Petition to revive - unintentional	1501	1370	2501	685	Utility issue fee (or reissue)	1502	490	2502	245	Design issue fee	1503	690	2503	330	Plant issue fee	1460	130	1460	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	1806	180	1806	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (limited number of properties)	1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	1801	790	2801	395	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	Other fee (specify):				
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The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																			

<b>FEE CALCULATION</b>				
<b>1. BASIC FILING FEE</b>				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Paid
1001	790	2001	395	Utility filing fee
1002	350	2002	175	Design filing fee
1003	550	2003	275	Plant filing fee
1004	790	2004	395	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1)</b>				<b>(\$)<b>0</b></b>
<b>2. EXTRA CLAIM FEES</b>				
Total Claims	Previously Paid**	Extra Claims	Fee from Below	Fee Paid
Independent Claims	20	X	18	
Multiple Dependent	3	X	88	
<b>Multiple Dependent</b>				<b>300</b>
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependant claim, if not paid
1204	88	2204	44	* Reissue Independent claims over original patent
1205	18	2205	9	* Reissue claims in excess of 20 and over original Patent
<b>SUBTOTAL (2)</b>				<b>(\$)<b>0</b></b>
** or number previously paid, if greater; For Reissues, see above.				
<b>SUBMITTED BY</b>				
Name (Print/Type)	Larry G. Brown			
Signature				

<b>Complete (if applicable)</b>			
Registration No.	45,834	Telephone	954-723-4295
Date	April 5, 2006		

<b>FEE TRANSMITTAL</b> Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete If Known</b>			
		Application Number	10/649,756	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>APR 05 2006</b>	
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		Examiner Name	Phan, Huy Q		
		Group Art Unit	2687		
TOTAL AMOUNT OF PAYMENT		(\$)	500.00	Attorney Docket No.	CE10823N

<b>METHOD OF PAYMENT (check all that apply)</b> <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number <b>502117</b> Deposit Account Name <b>Motorola, Inc.</b>  The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>FEE CALCULATION (continued)</b> <div style="text-align: right; font-size: 2em; margin-bottom: 10px;">COPY</div> <b>3. 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<b>Complete (if applicable)</b>	
Registration No.	45,834
Telephone	954-723-4295
Date	April 5, 2006

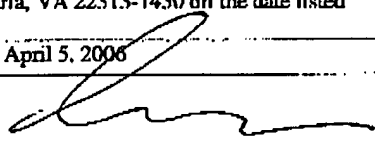
Application No. 10/649,756  
Appeal Brief dated April 5, 2006

CE10823N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED  
CENTRAL FAX CENTER  
APR 05 2006

APPLICANT: Jheroen P. Dorenbosch      ART UNIT: 2687  
APPLN. NO.: 10/649,756      EXAMINER: Phan, Huy Q  
FILED: August 26, 2003  
TITLE: SYSTEM AND METHOD TO IMPROVE WLAN HANDOVER  
BEHAVIOR AT ENTRY/EXIT POINTS

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being facsimile to the United States Patent and Trademark Office, at (571) 273-8300 Centralized Facsimile, addressed to: Mail Stop: <u>APPEAL BRIEF-PATENTS</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	April 5, 2006
Signature: Typed or Printed Name:	 Larry Brown

**APPEAL BRIEF**

Mail Stop: APPEAL BRIEF-PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

Dear Chief Administrative Patent Judge:

04/06/2006 RFEKADU1 00000033 502117 10649756  
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This Appeal Brief is in furtherance of the Notice of Appeal, transmitted via facsimile on April 4, 2006.

The fees required under 37 C.F.R. § 1.17(c) for filing this Appeal Brief have been authorized in the accompanying forms.

This brief is being transmitted by facsimile pursuant to 37 C.F.R. § 1.6(d).

This brief contains items under the headings listed in the following Table of Contents, as set forth in 37 C.F.R. § 1.192(c).



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**I. REAL PARTY IN INTEREST**

The real party of interest is Motorola, Inc., a Delaware corporation.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**III. STATUS OF CLAIMS**

This is an appeal from the final rejection of claims 1-5, 9-12, 14-30 and 33-42 of the above-referenced application.

**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

There are a total of 36 claims in the application.

**B. STATUS OF ALL THE CLAIMS**

1. Claims allowed: none
2. Claims objected to: none
3. Claims rejected: 1-5, 9-12, 14-30 and 33-42

**C. CLAIMS ON APPEAL**

The claims on appeal are: 1-5, 9-12, 14-30 and 33-42.

**IV. STATUS OF AMENDMENTS**

A Final Rejection was mailed on December 15, 2005 in response to an Amendment filed on November 1, 2005. The Amendment and arguments were considered by the Examiner but were rejected in view of new art. Applicants faxed

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a Notice of Appeal on April 4, 2006. This Appeal Brief is submitted in support of the Notice of Appeal.

## **V. SUMMARY OF THE CLAIMED INVENTION**

Although specification citations are inserted below in accordance with C.F.R. 1.192(c), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with rule 1.192(c), does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The claimed subject matter pertains to a system, method, mobile subscriber device and computer readable medium for improving WLAN handover behavior at entry/exit points. In particular, these elements detect two consecutive signals from

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at least one egress portal (302) and determine that the wireless device (306) is moving from the coverage area (104) of a first communications system – such as a wireless local area network (WLAN) - to the coverage area (102) of a second communications system – such as a wide area network (WAN) - according to the order of signals received from the egress portal (302) (see FIGs. 3 and 7 and page 5, lines 16-22). Detecting the first signal also indicates passage through the egress portal (302) (see page 11, line 23 – page 12, line 3). Further, the egress portal (302) may reside within a cell (104) of the WLAN and may occupy a region that is smaller than the cell (104) (see FIG. 3 and page 11, line 16 – page 12, line 10 (it is known that Bluetooth devices or electronic article surveillance points may occupy a region that is smaller than that of a WLAN cell)).

The elements can initiate a registration sequence with the second wireless communication system in response to determining that the wireless device (306) is moving from the coverage area (104) of the first communications system to the coverage area (102) of the second communications system (see FIG. 7 and page 5, line 22 – page 6, line 3). Additionally, present and subsequent calls can be conducted via the second wireless communication system (see page 6, lines 3-4). In one arrangement, the detection of the first signal from the egress portal (302) may be in response to detecting a triggering event, which may include the detection of a WLAN border cell (210), the detection of degradation in signal quality or the

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start of a call via the WLAN (see page 6, lines 5-8). Detecting the WLAN border cell (210) can include receiving status information from a WLAN access point in which the status information includes a WAN information indicator (see FIG. 9, page 6, lines 12-13 and page 17, lines 1-7).

An alternative embodiment uses inner (1010) and outer border cells (1012) (see FIG. 10). In this embodiment, the wireless device (306) initiates a registration sequence with a second wireless communication system in response to detecting a first WLAN border cell that is a inner border cell (1010) (see FIGs. 10 and 11 and page 20, lines 14-16). In addition, the wireless device (306) detects a second wireless local area network border cell that is an outer border cell (1012) and determines that the wireless device (306) is moving from a coverage area of the first communications system to a coverage area of the second communications system in response to detecting the wireless local area network outer border cell (1012) (see FIG. 11 and page 20, line 17 – page 21, line 8).

## **VI. ISSUES ON APPEAL**

Whether claims 1-5, 9-12, 14, 15, 17, 25-30, 33, 34 and 37-42 are patentable under 35 U.S.C. 102(e) over U.S. Patent Application Publication No. 2005/0079864 to Johnson, et al. (Johnson).

Whether claim 16 is patentable under 35 U.S.C. 103(a) over Johnson in view of U.S Patent Application Publication No. 2003/ 0119481 to Haverinen (Haverinen).

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Whether claims 35 and 36 are patentable under 35 U.S.C. 103(a) over Johnson in view of U.S Patent Application Publication No. 2004/ 0137902 to Chaskar, et al. (Chaskar).

Whether claims 18-24 are patentable under 35 U.S.C. 103(a) over U.S Patent Application Publication No. 2003/ 0134636 to Sundar, et al. (Sundar) in view of Chaskar.

#### **VII. GROUPING OF CLAIMS**

For purposes of this Appeal, the Applicants present the following grouping of claims:

1. Claims 1-5, 9-11, 33-34 and 40 are a group, with the appeal as to the ground of rejection being based on claim 1.
2. Claims 12, 14-16 and 41 are another group, with the appeal as to the ground of rejection being based on claim 12.
3. Claims 17, 35, 37 and 42 are part of another group, with the appeal as to the ground of rejection being based on claim 17.
4. Claims 18-19 are part of another group, with the appeal as to the ground of rejection being based on claim 18.
5. Claims 20-22 are part of another group, with the appeal as to the ground of rejection being based on claim 20.
6. Claims 23-24 are part of another group, with the appeal as to the

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ground of rejection being based on claim 23.

7. Claims 25-29 are part of another group, with the appeal as to the ground of rejection being based on claim 25.

8. Claims 30, 36 and 38 are part of another group, with the appeal as to the ground of rejection being based on claim 30.

9. Claim 39 is part of another group, with the appeal as to the ground of rejection being based on claim 39.

#### **VIII. ARGUMENT**

***The recitations of Johnson do not render the invention of claims 1-5, 9-12, 14, 15, 17, 25-30, 33, 34 and 37-42 unpatentable.***

A brief summary of the Johnson reference may be helpful here. Johnson describes a private radio telecommunication system that is arranged to support the handout of calls from the private system to an external cellular radio telecommunication system (see Abstract). In particular, the private system includes a base station controller that detects when a mobile unit within the private system with a call in progress – the call in progress not involving the external system – is about to move from the private system into the external system (see Abstract). To facilitate the handout of the call from the private system to the external system, the base station controller of the private system sets up a “phantom” call through the external system (see Abstract). The phantom call is between the same parties as

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the call in progress so that the phantom call takes over from the call in progress as the mobile subscriber unit leaves the private system (see paragraph 0008).

The private system includes a gateway cell and private cells in which the gateway cell is entered in the public network neighbor cell list and the private cells are neighbors to the gateway cell only (see paragraph 0015). Movement of the mobile unit into the gateway cell from the private cell, which is detected through diminishing private network signals or increasing public network signals, indicates that the unit is moving from the private network to the public network (see paragraph 0019). This process prompts the phantom call (see paragraph 0019).

Part of setting up the phantom call includes a mobile switching center (MSC) of the public network signaling the base station controller of the private network in which the MSC of the public network believes that it is signaling the second mobile unit (MS2) of a two-party call (see paragraph 0019). Johnson recites, "The [public] network knows to page MS2 here, since the private network will have informed the public network of this at the initial registration procedure, when MS2 was first switched on in the private network" (see paragraph 0019). In other words, when the mobile units are powered on in the private network, well in advance of any indication that they may be moving outside the private network, the mobile units are registered with the public network.



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It is well settled that in order for a claim to be anticipated under 35 U.S.C. § 102, each and every element of the claimed invention must be disclosed in a single prior art reference. Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). Whether the reference discloses every element of the invention, and also whether the reference and the claimed invention are the same, is to be determined by considering how persons of ordinary skill in the art interpret the reference. Scripps Clink & Research Fdm. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Independent claims 1 and 25 recite the limitation that the egress portal resides within a cell of a WLAN and occupies a region that is smaller than the cell. Johnson simply does not disclose such a feature. In particular, it appears that the Examiner has attempted to equate the gateway cell of Johnson with the claim element "egress portal" of claims 1 and 25. For example, in rejecting claim 9, the Examiner contends that the egress portal comprises a Bluetooth access point because it includes "basestations close to the physical entrance of the building" (quoting paragraph 0015 of Johnson on page 5-6 of the Final Office Action of December 15, 2005). Johnson notes that these basestations are configured to form a gateway cell (see paragraph 0015). The gateway cell of Johnson is a cell of a private WLAN (see paragraphs 0014-0015), which is how one of skill in the art would interpret a gateway cell as it is described, and Johnson never gives any

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indication that it resides within a cell of a WLAN and occupies a region that is smaller than the cell.

Independent claims 1, 12 and 25 recite the limitation that a registration sequence is initiated in response to detecting a first signal from the egress portal or an electronic device located in proximity with the egress portal. Johnson does not describe such a feature. Specifically, in Johnson and as noted above, the mobile units are registered with the public network when they are first powered on in the private network. This process assumes that the mobile units will always exit the private network after being powered up, which may not necessarily be the case. In contrast, the registration sequence in the present invention is not initiated until there is a strong indication that the mobile unit is about to exit the WLAN, which limits the use of processing resources and current drain on the battery.

Independent claim 39 recites that the movement of the mobile device from a coverage area of the first network to a coverage area of the second network is detected by the egress portal. In contrast, movement of the mobile unit from the private cell to the gateway cell in Johnson is detected by the handover agent, which strictly relies on changes in signal strength to do so (see paragraph 0019). The claimed invention is far more flexible because the egress portal, as a result of its ability to be strategically positioned near an exit, can facilitate the use of a triggering event to cause the mobile unit to begin searching for the first signal from the egress

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portal as part of its registration sequence. Johnson never mentions anything about placing the handover agent near an exit or entry point.

Independent claims 17 and 30 recite the elements that a wireless device detects a WLAN inner border cell of a first communication system in which the inner border cell broadcasts an inner border cell indicator and in response, initiates a registration sequence with a second wireless communication system. The claims also recite the detection of a second WLAN outer border cell that broadcasts an outer border cell indicator. Applicants contend that none of these features are shown in Johnson.

Johnson mentions nothing about the private or public cells (including the gateway cell) broadcasting inner or outer border cell indicators. In fact, not only is such a concept not contemplated by Johnson, Johnson actually teaches away from it because Johnson relies exclusively on signal strength to determine when a mobile unit is moving from the private network to the public network. To argue otherwise contradicts the only method that Johnson uses to determine when the mobile unit is moving from the private network to the public network. In addition, the Examiner attempts to equate the gateway cell of Johnson with the inner border cell of claims 17 and 30 (see pages 9 and 12 of the Final Office Action of December 15, 2005). In accordance with the description above, Johnson does not describe initiating a registration sequence with a second wireless communication

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system when the wireless device detects an inner border cell, as the mobile unit in Johnson initiates a registration sequence with the public network merely when the mobile unit is powered on in the private network.

***The recitations of Sundar and Chaskar do not render the invention of claims 18-24 unpatentable.***

A brief summary of the Sundar and Chaskar references may be helpful here. Sundar discloses a method, system and apparatus for a mobile station to sense and select a wireless local area network (WLAN) or a wide area mobile wireless network (WWAN) (see Abstract). In particular, the WWAN determines when a mobile unit may enter the coverage area of a WLAN service in a building (see paragraph 0069). The WWAN then signals the mobile unit to begin sensing for the WLAN (see paragraph 0069). Upon successful detection of a beacon from an access point (AP) of the WLAN, the mobile unit deregisters from the WWAN and registers with a mobile switching center (MSC) serving the WLAN (see paragraph 0069). As it roams through the WLAN, the mobile unit will continue to sense the RF energy strength of the WWAN (see paragraph 0069). If it detects that the WLAN RF signal strength decreases below a threshold value and the WWAN strength is above a threshold value, the mobile station will initiate a registration process with the WWAN (see paragraph 0069).

Chaskar describes a method and apparatus for controlling handover

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between a first technology network and a second technology network (see Abstract). In particular, the first network is a WLAN, and the second network is a cellular network (see FIG. 2). The WLAN includes cells inside a building that are located near entry/exit points of the building and cells inside the building that are positioned away from such points (see FIG. 2). The access points of the cells that are near the entry/exit points broadcast border bits indicating such, while the access points of the remaining cells broadcast border bits noting that they are not near entry/exit points (see paragraph 0045). Through these border bits, a mobile device can determine when to perform a handoff procedure to the cellular network (see paragraphs 0044-0045). Several points of entry/exit of a building are shown in FIG. 2.

Independent claims 18, 20 and 23 include the claim element that the egress portal resides within a cell of a WLAN and occupies a region that is smaller than the cell. The Examiner correctly points out that Sundar does not teach that the egress portal but argues that Chaskar describes such an element (see pages 3, 16, 17 and 19 of the Final Office Action of December 15, 2005). In particular, the Examiner contends that the coverage areas of the WLAN access points of Chaskar are equivalent to the egress portals of the present invention, specifically the coverage areas near the entry/exit points of the building of FIG. 2 (see page 3 of the Final Office Action of December 15, 2005). There is no contention from the Examiner,

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however, that these coverage areas are nothing more than WLAN cells, as one of skill in the art would appreciate. As such, the coverage areas of Chaskar simply cannot read on the claims of the present invention, because the coverage areas of Chaskar do not reside within a cell of a WLAN and occupy a region that is smaller than the cell. Applicants respectfully submit that this aspect of the claims is being overlooked in the Examiner's objections.

### Conclusion

Applicants contend that none of the cited prior art references describe the subject matter presented in the claims of the present invention. For the reasons set forth above, the claims on appeal present patentable subject matter such that reversal of the rejection is appropriate.

Respectfully submitted,

By:   
Larry G. Brown April 5, 2006

Please send correspondence to:  
Motorola, Inc.  
Law Department – MD 1610  
8000 W. Sunrise Blvd  
Plantation, FL 33322  
  
Customer Number: 24273

Attorney for Applicants  
Registration No. 45,834  
Tel. No.: (954) 723-6449  
Fax No.: (954) 723-3871  
E-Mail: lgbrown@motorola.com

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## **IX. CLAIMS APPENDIX**

**1. (Previously Presented) A method comprising:**

detecting a first signal from an egress portal, the first signal associated with indicating passage through the egress portal, wherein the egress portal resides within a cell of a wireless local area network and occupies a region that is smaller than the cell;

initiating, in response to detecting the first signal from the egress portal, a registration sequence with a second wireless communication system; and

conducting a present or a subsequent call via the second wireless communication system.

**2. (Previously Presented) The method of claim 1, further comprising:**

detecting a second signal from the egress portal; and

determining, based upon an order of receiving the first signal and the second signal, that a wireless device is moving from the coverage area of the wireless local area network to a coverage area of the second wireless communication system, wherein the step of initiating is performed in response to determining that the wireless device is moving from the coverage area of the wireless local area network to the coverage area of the second wireless communication system.

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3. (Previously Presented) The method of claim 1, wherein the second wireless communication system is a wide area network (WAN).
4. (Previously Presented) The method of claim 1, wherein the wireless local area network (WLAN) uses at least one protocol of IEEE Standard 802.11 and Bluetooth.
5. (Previously Presented) The method of claim 3, wherein the wide area network (WAN) uses code division multiple access (CDMA), wideband code division multiple access (WCDMA), time division multiple access (TDMA), global system for mobile communications (GSM) or integrated digital enhanced network (iDEN).
6. (Canceled)
7. (Canceled)
8. (Canceled)
9. (Previously Presented) The method of claim 1, wherein the egress portal



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comprises a Bluetooth access point, an infrared transmitter, or an electronic security detection device.

10. (Previously Presented) The method of claim 1, wherein the detecting a first signal step is performed in response to detecting a triggering event.

11. (Previously Presented) The method of claim 10, wherein the triggering event comprises detecting a wireless local area network border cell, detecting a degradation in signal quality, or detecting a start of a call.

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**12. (Previously Presented) A method comprising:**

**detecting a triggering event, the triggering event comprising detecting a wireless local area network border cell, wherein the step of detecting a wireless local area network (WLAN) border cell comprises:**

**receiving status information from a WLAN access point, wherein the status information comprises a wide area network (WAN) information indicator; and**

**determining that a border cell indicator of the status information is set;**

**detecting, in response to detecting the triggering event, a first signal from an electronic device that is located in proximity to an egress portal, the first signal associated with indicating passage through the egress portal;**

**initiating, in response to detecting the first signal from the electronic device, a registration sequence with a wireless communication system; and**

**conducting one of a present and a subsequent call via the wireless communication system.**

**13. (Canceled)**

**14. (Previously Presented) The method of claim 12, further comprising:**

**determining that the WAN information indicator is set;**

**obtaining available WAN information from the WLAN access point; and**

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using the available WAN information to conduct communications with a wide area network.

15. (Previously Presented) The method of claim 14, wherein the available WAN information comprises service providers, Radio Access Technologies (RAT's), channel information, timing information, or Pilot strength measurements.

16. (Original) The method of claim 15, wherein the available WAN information comprises information for at least two wide area networks.

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17. (Previously Presented) A method comprising:

determining that a wireless device, operating in a first communication system is detecting a wireless local area network inner border cell of the first communication system, wherein the inner border cell broadcasts an inner border cell indicator;

initiating a registration sequence with a second wireless communication system in response to determining that the wireless device is detecting the wireless local area network inner border cell;

detecting a second wireless local area network outer border cell, wherein the outer border cell broadcasts an outer border cell indicator;

determining that the wireless device is moving from a coverage area of the first communications system to a coverage area of the second communications system in response to detecting the second wireless local area network outer border cell; and

conducting a present or a subsequent call via the second wireless communication system.

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18. (Previously Presented) A method comprising:
- detecting a triggering event;
  - detecting a signal from an egress portal in response to detecting a triggering event, the signal associated with indicating passage through the egress portal, wherein the egress portal resides within a cell of a wireless local area network and occupies a region that is smaller than the cell;
  - obtaining available wide area network information from a wireless local area network access point; and
  - scanning, in response to the detecting, for at least one wide area network listed in the available wide area network information.
19. (Previously Presented) The method of claim 18, wherein the triggering event comprises detecting a wireless local area network border cell, detecting a degradation in signal quality, or detecting a start of a call.

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20. (Previously Presented) A mobile communication device comprising:
- at least two transceivers, each transceiver designed to operate on a separate wireless communications system, for transmitting and receiving wireless information;
  - a controller, communicatively coupled to each transceiver, for managing the operation of the mobile communication device;
  - a first wireless communications system stack, communicatively coupled to the controller, having instructions for communicating according to its respective protocol;
  - a second wireless communications system stack, communicatively coupled to the controller, having instructions for communicating according to its respective protocol;
  - a means for receiving signals from an egress portal, the signals associated with indicating passage through the egress portal; and
  - a handover manager, communicatively coupled to the controller, the first wireless communications system stack, the second wireless communications system stack, and the means for receiving signals from an egress portal, the handover manager for determining, in response to determining that the means for receiving signals from an egress portal has received at least one signal from the egress portal indicating passage therethrough, when to handover from a first

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wireless communication system to a second wireless communication system,  
wherein the egress portal resides within a cell of a wireless local area network  
and occupies a region that is smaller than the cell.

21. (Original) The mobile communication device of claim 20, wherein the at least  
two transceivers share common hardware and software.

22. (Previously Presented) The mobile communication device of claim 20,  
wherein the means for receiving signals from an egress portal comprises a  
Bluetooth transceiver, an infrared sensor, or an electronic security detection device.

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23. (Previously Presented) A mobile communication system comprising:

- a structure having at least one entry/exit point;
- at least one egress portal located at the at least one entry/exit point, the egress portal for transmitting signals to a mobile communications device, wherein the signals are associated with indicating passage through the at least one egress portal;
- at least one cell of a wireless local area network communications system, the cell providing communication coverage within the structure, wherein the egress portal resides within the cell of the wireless local area network communications system and occupies a region that is smaller than the cell; and
- at least one coverage cell of a second communications system, overlapping the at least one cell of the wireless local area network, for providing communication coverage outside the structure;

wherein at least one mobile subscriber device can be communicatively coupled with the at least one cell of the wireless local area network communications system, and the at least one cell of the second communications system, the device for determining, in response to determining that the device has received the signals from the at least one egress portal indicating passage therethrough, when to handover from one wireless communication system to the second wireless communication system.



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24. (Previously Presented) A mobile communication system of claim 23 further comprising:

at least one border cell of the wireless local area network communications system, the border cell located at the entry/exit point of the structure, providing a transition region between the wireless local area network communications system and the second communications system.

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25. (Previously Presented) A computer readable medium comprising computer instructions for performing the steps of:

detecting a first signal from an egress portal, the first signal associated with indicating passage through the egress portal, wherein the egress portal resides within a cell of a wireless local area network and occupies a region that is smaller than the cell;

Initiating, in response to detecting the first signal from the egress portal, a registration sequence with a second wireless communication system; and

conducting a present or a subsequent call via the second wireless communication system.

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26. (Previously Presented) The computer readable medium of claim 25, further comprising computer instructions for:

detecting a second signal from the egress portal; and

determining, based upon an order of receiving the first signal and the second signal, that a wireless device is moving from the coverage area of the wireless local area network to a coverage area of the second wireless communication system, wherein the step of initiating is performed in response to determining that the wireless device is moving from the coverage area of the wireless local area network to the coverage area of the second communication system.

27. (Previously Presented) The computer readable medium of claim 25, wherein the egress portal comprises a Bluetooth access point, an infrared transmitter or an electronic security detection device.

28. (Previously Presented) The computer readable medium of claim 25, wherein the step of detecting a first signal is performed in response to detecting a triggering event.

29. (Previously Presented) The computer readable medium of claim 28, wherein the triggering event comprises detecting a wireless local area network border cell,

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detecting a degradation in signal quality, or detecting a start of a call.

30. (Previously Presented) A computer readable medium comprising computer instructions for performing the steps of:

determining that a wireless device, operating in a first communication system is detecting a wireless local area network inner border cell of the first communication system, wherein the inner border cell broadcasts an inner border cell indicator;

initiating a registration sequence with a second wireless communication system in response to determining that the wireless device is detecting a wireless local area network inner border cell;

detecting a second wireless local area network outer border cell, wherein the outer border cell broadcasts an outer border cell indicator;

determining that the wireless device is moving from a coverage area of the first communications system to a coverage area of the second communications system in response to detecting the second wireless local area network outer border cell; and

conducting a present or a subsequent call via the second wireless communication system.

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31. (Cancelled)

32. (Cancelled)

33. (Previously Presented) The method according to claim 1, wherein the first signal is only for indicating passage through the egress portal.

34. (Previously Presented) The method according to claim 2, wherein the first signal comprises a wireless local area network signal substantially transmitted to an interior side of the egress portal and wherein the second signal comprises a wireless local area network signal substantially transmitted to an exterior side of the egress portal, the second signal being different from the first signal.

35. (Previously Presented) The method according to claim 17, wherein detecting the second wireless local area network border cell is done within a predetermined amount of time.

36. (Previously Presented) The computer readable medium according to claim 30, wherein detecting the second wireless local area network border cell is done within a predetermined amount of time.

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37. (Previously Presented) The method according to claim 17, wherein conducting the present or the subsequent call via the second wireless communication system is performed in response to determining that the wireless device is moving from the coverage area of the first communications system to the coverage area of the second communications system.

38. (Previously Presented) The computer readable medium according to claim 30, wherein conducting the present or the subsequent call via the second wireless communication system is performed in response to determining that the wireless device is moving from the coverage area of the first communications system to the coverage area of the second communications system.

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39. (Previously Presented) At an egress portal, a method to improve handover behavior of a mobile device between a wireless local area network (WLAN) containing a plurality of WLAN access points and a wireless wide area network (WAN) containing a plurality of WAN cells, the egress portal being located at an entry/exit point of the WLAN and not including a WLAN access point or a cell for a WAN, the method comprising:

conducting a call via a first network, the first network being either the WLAN or the WAN;

detecting by the egress portal a movement of the mobile device from a coverage area of the first network to a coverage area of a second network, the second network being the other one of the WLAN or the WAN;

in response to detecting the movement of the mobile device, advising the mobile device to switch to the second network; and

conducting, in response to advising the mobile device to switch to the second network, the call via the second network.

40. (Previously Presented) The method according to claim 1, further comprising conducting a present or prior call via the wireless local area network.

41. (Previously Presented) The method according to claim 12, further comprising

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conducting a present or prior call via the wireless local area network.

42. (Previously Presented) The method according to claim 17, wherein the inner border cell is substantially present within the interior of a structure and the outer border cell is substantially present outside the structure.